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In re Application of: :  
SOORIAKUMAR, Kathirgamasundaram, et al. : DECISION ON PETITION  
U.S. Application No.: 10/568,514 :  
PCT No.: PCT/SG2004/000240 :  
International Filing Date: 11 August 2004 :  
Priority Date: 14 August 2003 :  
Atty Docket No.: 207,468 :  
For: A THREE-AXIS ACCELEROMETER :

This decision is issued in response to the "Petition Under 37 CFR 1.10(c) To Correct Filing Date And Date-In Discrepancy" filed 22 May 2006. No petition fee is required.

**BACKGROUND**

On 11 August 2004, applicants filed international application PCT/SG2004/000240. The application claimed a priority date of 14 August 2003 and it designated the United States. On 24 February 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 14 February 2006.

In February 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

The receipt postcard confirming this submission was returned to applicants bearing a USPTO receipt stamp dated 15 February 2006.

On 22 May 2006, applicants filed the petition considered herein. The petition asserts that the correct filing date for the materials initiating this national stage application is 14 February 2006.

**DISCUSSION**

The materials filed by applicants to initiate this national stage application included a Form PTO-1390 transmittal letter. This transmittal letter contained included a "Statement Of Filing By Express Mail" that identified the "Express Mail" label number (ER059675365US) and the date of deposit (14 February 2006). The present petition includes a copy of the "Express

Mail" label number ER059675365US. The "date in" on this label is blank; however, the label bears a USPS stamp dated 14 February 2006.

Based on applicants' statements in the present petition, the "Statement Of Filing By Express Mail" contained on the Form PTO-1390, and the 14 February 2006 USPS stamp on the "Express Mail" label, it is concluded that the materials filed to initiate this national stage application (including the basic national fee) were deposited with the USPS as "Express Mail" on 14 February 2006. Pursuant to 37 CFR 1.10(c), these materials are properly accorded a filing date of 14 February 2006.

It is noted that the present petition included a \$130 petition fee. Because no fee is required for the present petition, this fee will be refunded to Deposit Account No. 01-0035.

### **CONCLUSION**

Applicants' petition under 37 CFR 1.10(c) is **GRANTED**.

The materials filed to initiate this national stage application, including the payment of the basic national fee, are properly accorded a filing date of 14 February 2006, prior to the expiration of thirty months from the priority date.

The \$130 petition fee included with the present petition will be refunded to Deposit Account No. 01-0035.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months from the priority date.



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